

Case 7999

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of :  
**MITCHELL ANTHONY DELONG, et al** :  
Serial No. 09/774,556 : Group Art Unit 1623  
Filed 31 January 2001 : Examiner Lauren Wells  
For COMPOSITIONS AND :  
METHODS FOR TREATING  
HAIR LOSS USING OXIMYL  
AND HYDROXYLAMINO  
PROSTAGLANDINS

#5  
Petition**PETITION UNDER CFR § 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to a telephonic communication received from Examiner Wells regarding the pending Office Action in the above-captioned case, the Applicants hereby assert that neither they nor their legal representatives have received any Office Action dated 19 March 2002 in the case. Indeed, the Applicants hereby petition the Commissioner under 37 CFR §1.181(a) to withdraw the holding of abandonment in the above-captioned case, re-mail the above-described Office Action and restart the period for reply to the Office Action. The Applicants submit herewith two documents demonstrating their non-receipt of the aforementioned Office Action. The first document provided is a docket entry for the above-captioned case, in which the Intellectual Property Division of The Procter and Gamble Company, the legal assignees of the present application, logs all communications from the Office during the ordinary course of business. (See Assignment recorded on 01 August 2002 at Reel Number 012943 and Frame Number 0837). A review of the docket entry reveals that the Applicants have not received any Office Action dated 19 March 2002 in the case. The Applicants further submit a photocopy of the file wrapper for the above-captioned case, on which the legal assignees of the present application record all communications received from the Office. A review of this document also reveals that the Applicants did not receive an Office Action dated 19 March 2002.

Accordingly, the Applicants hereby assert that a thorough review of the docket records and file wrapper for the above-captioned case clearly demonstrates that neither the

Applicants nor their legal representatives have received an Office Action dated 19 March 2002. Moreover, the Applicants respectfully direct the Office's attention to MPEP § 711.03(c), which states, in pertinent part,

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

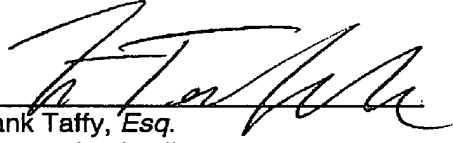
Thus, the Applicants request that the present petition be granted, the Office Action dated 19 March 2002 be re-mailed and the period for reply to said Action be restarted. No fees are believed to be due for favorable consideration of this Petition. However, please charge any and all necessary fees to maintain the pendency of the present application to the Applicants' Deposit Account, No. 16-2480.

#### CONCLUSION

The Applicants have made an earnest effort to demonstrate their non-receipt of the Office Action mailed on 19 March 2002. WHEREFORE, favorable consideration of the present Petition to Withdraw Holding of Abandonment and reissuance of said Office Action, are respectfully requested. Should issues remain prior to the reissuance of the above-described Office Action, the Examiner is invited to contact the Applicants' undersigned attorney.

Respectfully submitted,

**MITCHELL ANTHONY DELONG, et al**

By   
Frank Taffy, Esq.  
Attorney for Applicants  
Registration No. 52,270  
(513) 634-9315

Customer No. 27752

31 October 2002  
Cincinnati, Ohio  
Petition To Withdraw Abd Holding.doc

10/30/2002

## Patent Information Print

Docket No	--07999L	Responsible A&T	Donita J. KONRAD
Country	United States	Joint Assignee	
Case Type	Regular	Assigned Out	
Relation Type	Original Filing	Opposing Party	
Filing Type	National	Oppos Party 2	
Filing Number		Customer No.	27752
Atty/Agt	Frank (NMN) TAFFY	Outside Counsel	
Foreign Agt	U.S.A. P&G PATENT DIVISION	F.Agt/O.C. Ref	
Current Owner	THE PROCTER & GAMBLE COMPANY	Tier Code	2
Previous Owner		Ctgy Owner-Parties	CONA
# Drawing Pgs.		Ctgy Owner 2	
Status	Filed	Ctgy Owner 3	
First Filing Date	03/31/2000	Resp. Site	Beckett Ridge Technical Cent
Sub Status	Record Creation Date	Outsd Coun 2	
Sub Status Date	03/31/2001	A.L.#/Cos.1	
Parent Country	United States	A.L. Date 1	
Parent Filing Date	03/31/2000	Cos.1	
Parent #	60/193844	A.L. Date 2	
Parent Grant Date		A.L.#/Cos.2	
Total Claims		A.L. Date 3	
Ind. Claims\Designs		Cos.2	
Appln/Ser #	09/774556	R.L. Date	
Application Date	01/31/2001	A.L.#/Cos.3	
Patent #		R.L.#/Cos.	
Grant Date		ABD in Remks. Tab?	
Publn. #	2002/0146439A1	REV in Remks. Tab?	
Publication Date	10/10/2002	3rd Party Info	
Expiration Date		String	--07999L US
Conv. Type	Based on Priority Case	Verified	N
Tax Base Date		Customer	PCPP
Ctgy Owner-FData	CONA	Create Date	02/07/2001
Next Tax Date		Update Date	10/23/2002
Tax Agent		Update Time	1116
GBU		Update User	ERB
Draft Atty/Agt	Catherine U. BROWN	Update Type	A

## \*\*&amp;Actions\*\*

Action	U.S. - Not Applicable	Completed Date	02/27/2001
Action Due Date	02/01/2001	Action Taken By	
Taken Date		Action Supervised By	
Deadline Date			
Action	Responsible A&T	Completed Date	02/07/2001
Action Due Date	02/07/2001	Action Taken By	Donita J. KONRAD
Taken Date		Action Supervised By	Catherine U. BROWN
Deadline Date			
Action	U.S. - Int'l needs Specifica	Completed Date	02/01/2001
Action Due Date	02/28/2001	Action Taken By	
Taken Date		Action Supervised By	
Deadline Date			
Action	* - No Intl Log Entry	Completed Date	03/31/2001
Action Due Date	03/31/2001	Action Taken By	
Taken Date		Action Supervised By	
Deadline Date			
Action	U.S. - Int'l needs File Hist	Completed Date	02/01/2001
Action Due Date	04/05/2001	Action Taken By	
Taken Date		Action Supervised By	
Deadline Date			
Action	U.S. - Int'l needs Transmitt	Completed Date	01/31/2001
Action Due Date	04/05/2001	Action Taken By	
Taken Date		Action Supervised By	
Deadline Date			
Action	U.S. - Int'l needs Post Card	Completed Date	02/23/2001
Action Due Date	04/10/2001	Action Taken By	
Taken Date		Action Supervised By	
Deadline Date			
Action	U.S. - Information Disclosur	Completed Date	01/31/2001
Action Due Date	04/30/2001	Action Taken By	
Taken Date		Action Supervised By	
Deadline Date			
Action	U.S. - Submit Assignment for	Completed Date	08/01/2002
Action Due Date	04/30/2001	Action Taken By	

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PATENT - BRTC

5136346108 P.05/06

Taken Date		Action Supervised By	
Deadline Date			
Action	Projected Publication (Rules	Completed Date	10/10/2002
Action Due Date	09/30/2001	Action Taken By	
Taken Date		Action Supervised By	
Deadline Date			
Action	U.S. - Supplemental IDS File	Completed Date	04/16/2002
Action Due Date	04/16/2002	Action Taken By	
Taken Date		Action Supervised By	
Deadline Date			
Action	U.S. - Recordation of Assign	Completed Date	08/01/2002
Action Due Date	08/01/2002	Action Taken By	
Taken Date		Action Supervised By	
Deadline Date			
Action	U.S. - Notice of Publication	Completed Date	10/10/2002
Action Due Date	10/10/2002	Action Taken By	
Taken Date		Action Supervised By	
Deadline Date			
Action	INTL-Potential Donation	Completed Date	
Action Due Date		Action Taken By	
Taken Date	07/12/2002	Action Supervised By	Global Donation Team
Deadline Date			
Action Notes			
U. OF TEXAS			

## \*\*&amp;Inventors (R)\*\*

Inventor	Mitchell Anthony DELONG	DE Inventor
Inventor	John McMillan MCIVER	DE Inventor
Inventor	Robert Scott YOUNGQUIST	DE Inventor

## \*\*Tech Codes\*\*

Tech Codes	B04A
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## \*\*Related Ids (R)\*\*

System Code	Disclosures	Relation Type
Docket Number	*NONE	Filing Type
Country		Filing Number
Case Type		Remarks

## \*\*&amp;Spec. Title (R)\*\*

Spec. Title  
COMPOSITIONS AND METHODS FOR TREATING HAIR LOSS OXIMYL- AND  
HYDROXYLAMINO-PROSTAGLANDIS

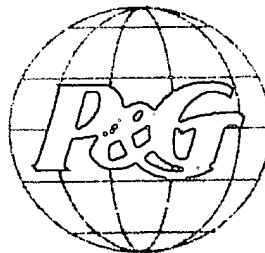
## \*\*Remarks (R)\*\*

Remarks  
FINAL APPLICATION BASED ON PROVISIONAL CASE 7999P FILED IN T  
HE U.S. DIRECTLY VIA THE  
USPTO. (MAC - 02/07/2001)  
ATTY CHANGED FROM CUB TO LWL (ERB, 12/6/01)  
CHG AT FROM CUB TO EAW, RESP SITE FROM MVL TO BRTC PER JKM (   
FMG 1/7/02).  
ATTY CHANGED FROM LWL TO FT1 PER EAW (ERB 6/20/02)  
AT CHANGED FROM EAW TO DJK (NR 07/11/02).  
DO NOT ABD - CONFIDENTIAL UNTIL ANNOUNCED - POSSIBLE DONATIO  
N OR LICENSING TO U. OF  
TEXAS - CHECK WITH G. HILLEBRAND/GLOBAL DONATIONS TEAM BEFOR  
E ABANDONING (DMH/NR  
07/12/02).

## \*\*Priority (R)\*\*

Docket Number	---7999P	Outside Counsel
Country	United States	F.Agt/O.C. Ref
Serial Number	60/193844	Joint Assignee-R
Appln. Date	03/31/2001	Assigned Out-R
Remarks		Opposg. Party

Received from < 5136346108 > at 10/31/02 11:29:15 AM [Eastern Standard Time]

***The Procter and Gamble Company - Intellectual Property Division*****FAX RECEIVED**

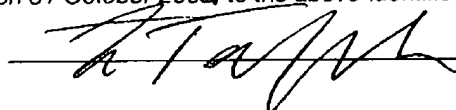
OCT 31 2002

**GROUP 1600****FACSIMILE TRANSMITTAL SHEET AND  
CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8****TO: Examiner Lauren Wells - United States Patent and Trademark Office**

Fax No. (703) 872-9306

Phone No. (703) 305-1878

*I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on 31 October 2002, to the above-identified facsimile number.*

 (Signature)**FROM: Frank Taffy, The Procter and Gamble Company**

Fax No. (513) 634-6108

Phone No. (513) 634-9315

Listed below are the item(s) being submitted with this Certificate of Transmission:

- 1) Petition to Withdraw Holding of Abandonment
- 2) Docket Entry for 09/774,556
- 3) Photocopy of File Wrapper for 09/774,556
- 4)
- 5)

Number of Pages Including this Page:

6

Inventor(s): deLong, et al

S.N.: 09/774,556

Filed: 31 January 2001

Case: 7999

**Comments:****IMPORTANT CONFIDENTIALITY NOTICE**

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